

MAR 05 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUBLEY, CLERK  
BY:   
DEPUTY CLERK

WARREN E. LEMONS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

7-10-CR-00083  
ORDER

By: Hon. Glen E. Conrad  
Chief United States District Judge

This case is before the court on the government's motion to dismiss the petitioner's 28 U.S.C. § 2255 motion to vacate. For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that the government's motion to dismiss is **GRANTED**, that the petitioner's motion to vacate is **DENIED**, and that a certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Lemons and to all counsel of record.

ENTER: This 5<sup>th</sup> day of March, 2013.



Chief United States District Judge